

ORDER OF THE STATE PERSONNEL BOARD

PERRY VENARD,

Complainant,

vs.

DEPARTMENT OF CORRECTIONS,
ARKANSAS VALLEY CORRECTIONAL FACILITY,

Respondent.

The State Personnel Board (the "Board") met in public session on June 19, 2001. During this public session, the Board considered the record on appeal, including the Motion for Disqualification of Linda Siderius, Affidavit of William S. Finger, Order to Stay Further Proceedings Pending Board Review, and Respondent's Objection to Complainant's Motion for Disqualification of Linda Siderius, and entered the following order:

The Board denies Complainant's Motion for Disqualification of Linda Siderius, affirms the Board's prior order concerning the taking of supplemental testimony, and finds that (1) there is no ethical conflict of interest on the part of Ms. Siderius, pursuant to C.R.S., §24-18-108.5(2); (2) Ms. Siderius was elected to the Board to represent the people of the State of Colorado by certified employees; (3) Ms. Siderius' membership on the Board has been public knowledge since October 2000; (4) Ms. Siderius' representation of Larry Trujillo has been known since her election to the Board; and (5) Complainant has waived his right to raise this issue in a timely manner because this case has been before the Board since the Initial Decision of the Administrative Law Judge was issued in December 2000.

This order represents the affirmative vote of the following Board members: Joyce Lottner, John Zakhem, and Joy Hoffman. Linda Siderius abstained from voting.

Pursuant to the May 15, 2001 Order of the State Personnel Board, the issues are to be rebriefed without the inclusion of the supplemental testimony. The revised schedule for briefing and Board review for the appeal is as follows:

- 1) Opening Brief - 25 days from the date of this order;
- 2) Answer Brief - 10 days after receipt of the Opening Brief;
- 3) Reply Brief - 5 days after receipt of the Answer Brief;
- 4) Board Review - August 21, 2001.

Dated this _____ day of
June, 2001.

Joy Hoffman
Board Chair
State Personnel Board
1120 Lincoln Street, Suite 1420
Denver, CO 80203

CERTIFICATE OF MAILING

This is to certify that on the _____ day of June, 2001, I placed true copies of the foregoing **ORDER OF THE STATE PERSONNEL BOARD** in the United States mail, postage prepaid, addressed as follows:

William S. Finger, Esq.
Frank & Finger, P.C.
29025-D Upper Bear Creek Road
P.O. Box 1477
Evergreen, CO 80437-1477

and in the interagency mail, addressed as follows:

Stacy L. Worthington
First Assistant Attorney General
Employment Section
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